

## **REMARKS**

Claims 1, 5, 7 and 10 remain pending in the application. No claims are being amended in this Response. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the remarks contained herein.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 5 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cohen et al. (U.S. Patent No. 6,505,171). Applicant wishes to thank the Examiner, Mr. Evens J. Augustin, for the courtesies extended to Applicant's counsel, Mr. Garrett C. Donley, during the telephone conference of December 19, 2007 relating to this application. During that telephone conference, the Examiner and Applicant's counsel discussed the issue of whether the Cohen reference is a valid reference, as it relates to the priority provisional application dates from this application. Accordingly, the Examiner agreed to study this issue in further detail upon the submission of this response.

The Cohen reference resulted from an application filed February 4, 2000. As discussed in Applicant's previous responses, the present application, through the previous PCT application, claims priority back to U.S. Provisional Patent Application Nos. 60/134,342, filed May 14, 1999 and 60/159,665, filed October 15, 1999. The contents of the subject matter as now claimed, are fully disclosed in these two provisional applications. Specifically, the subject matter related to claims 1, 5 and 7 was present in Applicant's first provisional application, with the subject matter of relating the customer's age to the serial number(s), set forth in claim 10, being added in Applicant's second provisional application at pages 3-4.

Accordingly, it is submitted that the subject matter cited in the Cohen reference for objecting to the present claims occurred after the filing dates of Applicant's two U.S. provisional applications which contain the presently-claimed subject matter. Thus, Applicant's disclosure of this subject matter on a priority chain basis occurred prior to the Cohen disclosure relied upon as the basis for rejection, and the cited Cohen subject matter cannot be cited for objection to the claimed subject matter. For these reasons, it is respectfully requested that the current objection based on the Cohen reference be withdrawn.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen et al. (U.S. Patent No. 6,505,171) in view of DiMaria (U.S. Pat. No. 6,148,091). Because the Cohen reference is not applicable for the reasons set forth above, the combination of the Cohen and DiMaria references also cannot prevent patentability of claim 10.

In addition, as set forth in the previous response, Applicant submits that the encoding of age data in an official document, as disclosed in DiMaria, is not the same as merely attaching an age-identifier (which itself does not disclose the customer's identity) to a random serial number (which also does not disclose the customer's identity). Applicant believes that the addition of information about a customer's age to an otherwise randomly generated serial number does not make the underlying serial number any less random. Instead, the addition of this information to the serial number

maintains confidentiality of the customer's identity, while providing a way to prevent access to a website or decline a purchase based on the user's age.

For these reasons, it is submitted that the combination of the Cohen and DiMaria references cannot yield the present invention, as presently claimed, and it is respectfully requested that the current objection based on the combination of the Cohen and DiMaria references be withdrawn.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly addressed. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this response is respectfully requested. Should the Examiner have any questions about this submission, or wish to discuss the application, the present Amendment or the cited references further, the Examiner is invited to telephone the undersigned attorney directly at (248) 641-1239.

Respectfully submitted,

Dated: January 28, 2008

By: Garrett C. Donley  
Garrett C. Donley, Reg. No. 34,579

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

GCD/sed